

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

AMERICAN CLOTHING EXPRESS, INC.,  
D/B/A ALLURE BRIDALS AND JUSTIN  
ALEXANDER, INC.,

Plaintiffs,

v.

CLOUDFLARE, INC. and DOES 1 - 200,  
inclusive,

Defendants.

Case No. 2:20-cv-02007-SHM-dkv

**DECLARATION OF RUSSELL  
BOGART IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A  
DEFAULT JUDGMENT AGAINST  
NINETY-FOUR WEBSITE  
DEFENDANTS**

1. I submit this declaration in support of the motion filed by Plaintiffs American Clothing Express, Inc., d/b/a Allure Bridals and Justin Alexander, Inc. ("Plaintiffs") for the entry of a Default Judgement against ninety-four (94) of the websites identified in Schedule A to the Complaint ("Website Defendants" or "Defaulting Websites").

2. I am a partner in the law firm of Kagen, Caspersen & Bogart PLLC, counsel for Plaintiffs in this action. As such, I am familiar with the facts and circumstances set forth in this Declaration.

3. Plaintiff Justin Alexander, Inc. can elect to recover statutory damages, instead of actual damages and defendants' profits, at any point before the entry of final judgment. *See* 4 Nimmer on Copyright §14.04. Because the infringement perpetrated by the Website Defendants was willful, Justin Alexander can recover statutory damages in the amount of up to \$150,000 per work infringed.

4. Attached hereto as Exhibit A is a table identifying the distinct copyright registrations infringed by each Website Defendant. In sum, the Website Defendants infringed 337 works.

5. Justin Alexander, Inc. furnishes this information in response to Cloudflare's comments about the difficulties in Plaintiffs' ability to prove their damages.

I declare under penalty of perjury that the forgoing is true and accurate to the best of my knowledge, information, and belief.

Dated: December 27, 2021  
New York, New York

KAGEN CASPERSEN & BOGART PLLC

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